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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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EDSON G. GARDNER,

Plaintiff,

v.

DEFENDANT PLACEHOLDER,

Defendant.

ORDER ADOPTING THE REPORT  
AND RECOMMENDATION

Case No. 2:23-rf-00186

Chief Judge Robert J. Shelby

Magistrate Judge Daphne A. Oberg

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The Report<sup>1</sup> issued by United States Magistrate Judge Oberg on March 20 2023, recommends that Mr. Gardner's notice of removal should not be accepted for filing and should be returned to him.

Upon final review of Magistrate Judge Oberg's Order<sup>2</sup> and the after-filed documents<sup>3</sup> Mr. Gardner provided to the court, the undersigned hereby DENIES Mr. Gardner's request for leave to file supplemental briefing. Additionally, the undersigned hereby entirely CONCURS with Magistrate Judge Oberg's analysis, finding that regardless of the restricted filer status, the court would lack subject

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<sup>1</sup> DOC. NO. 2.

<sup>2</sup> *Id.*

<sup>3</sup> DOC. NOS. 3, 4.

matter jurisdiction. But because Mr. Gardner is a restricted filer, the court directs that the materials he has submitted in this matter be returned to him unfiled. Any filing fee associated with Mr. Gardner's filing in this matter is to be returned to the payor.

To conserve court resources, considering Mr. Gardner's has a prolific history of filing non-meritorious actions in this District as established in 2:20-rf-768, document no. 2, the Clerk of Court is directed to not file or lodge any addition documents in this action, other than a Notice of Appeal. Should Plaintiffs send documents other than a Notice to Appeal to the clerk's office to be filed in this matter, the clerk's office should return those documents.

DATED 27<sup>th</sup> day of November 2023.

BY THE COURT:



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ROBERT J. SHELBY  
Chief United States District Judge